

IN RE: DEVELOPMENT PLAN HEARING AND	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
N/S Rossville Boulevard, 140 ft. E. of	*	DEPUTY ZONING COMMISSIONER
C/L Rolling View Avenue		
	*	OF BALTIMORE COUNTY
14 th Election District		
6th Councilmanic District	*	CASE NOS.: XIV-379 and 99-393-X
8101 Rossville Boulevard		
	*	
Hazel V. Laudenkios Trust,		
Property Owner	*	
Shelter Assisted Living LLC, Contractor		
Petitioners	*	

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer as a requested approval of the development plan prepared by Daft, McCune and Walker, civil engineers, for the development of a parcel of property located on the north side of Rossville Boulevard opposite its intersection with Grandee Court. The developers of the subject property, Shelter Assisted Living LLC, propose to develop the subject site with an assisted living facility containing 55,130 sq. ft. over three levels or within a three-story structure. The development itself is more particularly shown on Developer's Exhibit No. 1, the site plan of the property. In addition to the requested approval of the development plan, the Petitioners also requested a special exception to approve an assisted living facility in a D.R 5.5 Zone pursuant to Section 1B01.1.C.27 of the Baltimore County Zoning Regulations. Shelter Assisted Living LLC is the Contract Purchaser of the property which is owned by the Hazel V. Laudenklos Trust.

Appearing at the hearing on behalf of the development plan and special exception request were Phil Golden, John Tansey and Kelly Cook, all appearing on behalf of the Shelter Group, the developers of the site. Ed Haile, Charles Main and George Gavrelis appeared at the hearing on behalf of Daft, McCune and Walker, the site engineers who prepared the development plan of the

ORDER FOR FILING
 6/2/99
 R. Jameson

property. Mickey Cornelius, an expert traffic planner with the Traffic Group also attended the hearing and the Petitioners were represented by Rob Hoffman, Esquire, attorney at law.

Also attending the hearing were representatives of the Baltimore County reviewing agencies: namely, Robert Bowling, representing Permits & Development Management; Terri Tabor on behalf of DEPRM; John Lewis appeared on behalf of Zoning Review; and, Lynn Lanham appeared on behalf of the Office of Planning. Also attending the hearing were several citizens from the surrounding community. Those citizens signed in on the Citizen Sign-In sheet which is contained within the file.

As to the history of this project, a concept plan conference for this development was held January 11, 1999. As required, a community input meeting was held on February 9, 1999 at the Overlea Caterers located at 6809 Belair Road. Subsequently, a development plan was submitted and a conference held thereon on May 5, 1999. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating those comments was submitted at the Hearing Officer's Hearing before this Deputy Zoning Commission, Timothy M. Kotroco on May 27, 1999.

At the preliminary stage of the Hearing Officer's Hearing, I am required to determine what, if any, comments or issues remain unresolved concerning the proposed development plan. Mr. Hoffman, on behalf of the developer, and the various individuals representing the Baltimore County reviewing agencies, indicated that there were no issues remaining unresolved as of the date of the hearing before me. I then asked the number of citizens who were in attendance whether they had any issues concerning the proposed development of the site. Ms. Jeanne Smith, a resident of Grandee Court, indicated that she had an issue concerning the traffic that would be generated by the proposed development of the property. Specifically, Ms. Smith indicated a concern relating to

COPIES OF THIS DOCUMENT
Date 6/2/99
By R. J. Janssen

vehicles exiting the proposed development and attempting to turn left onto Rossville Boulevard. Rossville Boulevard at this location is a five-lane highway, and Ms. Smith is concerned about individuals attempting to turn left onto Rossville Boulevard from the proposed facility. Given the concerns raised by Ms. Smith, testimony and evidence was taken on this issue.

Called to testify on behalf of the Shelter Assisted Living LLC was Mr. Phil Golden. Mr. Golden is the Senior Vice-President of the Shelter Group. He testified concerning the construction of the three-story assisted living facility which they intend to build on this property. The assisted living facility will have space for 107 beds. As to the traffic issue raised by Ms. Smith, Mr. Golden testified that for the most part, the traffic generated by this facility will be generated by the employees who work on-site. He testified that the employees worked in three shifts, over a 24-hour period. The morning shift runs from 7:00 a.m. - 3:00 p.m.; the afternoon shift from 3:00 p.m. - 11:00 p.m.; and the nighttime shift running from 11:00 p.m. - 7:00 a.m. During shift changes, employees will come and go from the facility. Mr. Golden also testified that the greatest number of employees at any given time will total 18 workers.

Also testifying on the issue of traffic was Mr. Mickey Cornelius, a traffic expert employed by the Traffic Group. Mr. Cornelius testified concerning an in-depth traffic study that his firm performed at the subject site. Employees of the Traffic Group performed a traffic count at the subject site and personally observed nine residents from the Grandee Court community making left turns onto Rossville Boulevard between the hours of 7:00 a.m. - 9:00 a.m. In addition, Mr. Cornelius estimates that there will be seven left turns leaving the proposed assisted living facility during that same time slot in the morning. He testified that the likelihood that two vehicles would be exiting at the same time is slim, but still is possible. He indicated that the motorists will have no trouble yielding the right-of-way to one another when they would be leaving the assisted living facility and Grandee Court at the same time. This was the main concern raised by Ms. Smith who

ORDER RECORDED & INDEXED
6/22/99
P. Cornelius

lives on Grandee Court and is concerned about simultaneous left turns being made by members of her community and those workers leaving the assisted living facility.

After considering the testimony of both Mr. Golden and Mr. Cornelius, I find that the employees of the assisted living facility, as well as the residents of the nearby Grandee Court community, will be able to safely exit onto Rossville Boulevard at any given time during the day. The entrance road to the assisted living facility is well designed and provides more than adequate sight line distances. The assisted living facility itself is a low generator of traffic and should pose no adverse affects on existing traffic patterns. Therefore, this issue raised by Ms. Smith is not sufficient to warrant that the development plan be denied.

There were no other issues raised regarding the requested approval of the development plan. Having resolved the traffic issue in favor of the developer, the development plan submitted as Developer's Exhibit No. 1 shall be approved.

As stated previously, the Developer is also requesting a special exception pursuant to Section 1B01.1.C.27 of the Baltimore County Zoning Regulations to approve an assisted living facility in a DR.5.5 zone. Testimony offered by the Petitioners, specifically Mr. George Gavrelis, a land planner with Daft, McCune and Walker and a former director of the Office of Planning of Baltimore County, demonstrated that the proposed development of the site satisfies all of the requirements of Section 502.1 of the Baltimore County Zoning Regulations. Mr. Gavrelis submitted into evidence as Petitioner's Exhibit No. 2 a summary of his testimony regarding the requirements of Section 502.1. After considering the testimony offered by Mr. Gavrelis relating to the special exception request, I find that the Petition for Special Exception should be approved.

THEREFORE, pursuant to the zoning and development plan regulations of Baltimore County, as contained within the Baltimore County Zoning Regulations and Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing held thereon, the development

plan submitted into evidence as Developer's Exhibit No. 1 shall be approved, consistent with the comments contained herein and any restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 2nd day of June, 1999, that the development plan submitted for the approval of the Rossville Assisted Living Facility by the Developer of the site, marked into evidence as Developer's Exhibit No. 1, be and it is hereby APPROVED.

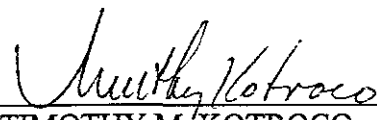
IT IS FURTHER ORDERED, that the special exception request for an assisted living facility in a DR.5.5 zone, pursuant to Section 1B01.1.C.27 of the Baltimore County Zoning Regulations shall be GRANTED.

IT IS FURTHER ORDERED, that the approvals granted herein are conditioned upon the following restrictions:

- A.) The shift change for employees of the Rossville Assisted Living Facility shall occur at 7:00 a.m., 3:00 p.m. and 11:00 p.m. each day. Employees coming and going from the site during these shift changes will not conflict with rush hour traffic or school bus pick-ups.
- B.) All trash removal and deliveries to the Rossville Assisted Living Facility shall occur during weekdays and at times so as not to conflict with rush hour traffic.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and in accordance with Section 501 of the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING
Date 6/2/99
By R. Johnson
TMK:raj


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER/
HEARING OFFICER
FOR BALTIMORE COUNTY



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 2, 1999

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204

RE: Hearing Officer's Hearing and Development Plan Order
Case Nos. XIV-379 and 99-393-X
Shelter Assisted Living LLC
8101 Rossville Boulevard, N/S Rossville Boulevard,
140' E of C/L Rolling View Avenue

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The development plan has been approved, in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Copies to:
Mr. Ed Haile
Daft, McCune & Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21204

Come visit the County's Website at www.co.ba.md.us



Ms. Jeanne Smith
13 Grandee Court
Baltimore, Maryland 21236

Mr. Harry Perzinski
3917 Putty Hill Avenue
Baltimore, Maryland 21236

Mr. Lockerd Gahs
4101 Martin Avenue
Baltimore, Maryland 21236



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8101 Rossville Boulevard

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

An assisted living facility in a DR 5.5 zone pursuant to Section 1B01.1.C.27, Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Shelter Assisted Living LLC

Name - Type or Print

By: Philip C. Golden

Signature: Philip C. Golden, Sr. Vice President

218 N. Charles Street

(410) 962-0595

Address

Telephone No.

Baltimore

MD

21201

City

State

Zip Code

Attorney for Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature: Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Ave

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s): Hazel V. Laudenklos Trust

By: Hazel V. Laudenklos

Name - Type or Print

HAZEL V. LAUDENKLOS - TRUSTEE

Signature: Hazel V. Laudenklos

Signature

PHONE 410-668-0354

ADDRESS 3919 PUTY HILL AVE., BALTIMORE, MD 21236

Name - Type or Print

JOAN A. WALTON - TRUSTEE

By: Joan A. Walton

Signature

161 Bridges Lane

(978) 681-1158

Address

Telephone No.

North Andover

Massachusetts

01845

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman, Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By uc

Date 4-2-99

DROP OFF

No REVIEW

ORDER RECEIVED FOR FILING
APR 2 1999
REV 9/25/98
TO HDOS/EMA01/#80095 v1

Case No. 99-393-X

Description

To Accompany Petition for Special Exception

7.8 Acre Parcel

North Side of Rossville Boulevard

Southeast of Rolling View Road

Fourteenth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

*200 East Pennsylvania Avenue
Towson, Maryland 21286*

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

*A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals*

Beginning for the same at the end of the following course and distance measured from the intersection of the centerline of Bridge View Court (40 feet wide) and the centerline of Rossville Boulevard (75 feet wide) North 07 degrees West 127 feet, more or less, thence leaving said point of beginning and running for the sixteen following courses and distances, viz: (1) South 65 degrees 35 minutes 00 seconds East 359.61 feet, thence (2) North 85 degrees 40 minutes 19 seconds East 19.24 feet, thence (3) North 89 degrees 20 minutes 45 seconds East 50.49 feet, thence (4) North 88 degrees 13 minutes 31 seconds East 50.64 feet, thence (5) South 89 degrees 31 minutes 38 seconds East 50.36 feet, thence (6) South 88 degrees 23 minutes 42 seconds East 50.25 feet, thence (7) South 87 degrees 07 minutes 04 seconds East 54.42 feet, thence (8) South 86 degrees 22 minutes 16 seconds East 57.32 feet, thence (9) South 79 degrees 35 minutes 49 seconds East 57.41 feet, thence (10) South 73 degrees 50 minutes 26 seconds East 57.53 feet, thence (11) South 65 degrees 17 minutes 08 seconds East 53.54 feet, thence (12) North 48 degrees 15 minutes 00 seconds East 198.02 feet, thence (13) North 41 degrees 32 minutes 00 seconds West 51.33 feet,

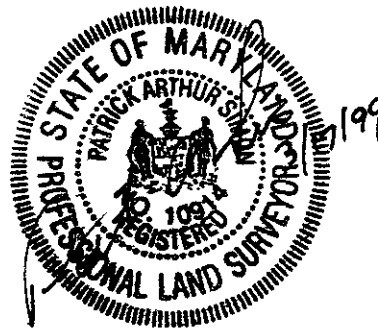
99.393.x

thence (14) North 46 degrees 46 minutes 00 seconds East 40.05 feet, thence (15) North 43 degrees 15 minutes 00 seconds West 632.10 feet, and thence (16) South 49 degrees 17 minutes 00 seconds West 699.25 feet to the point of beginning; containing 7.8 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

March 17, 1999

Project No. 98098.P



**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **067007**

DATE 4/2/99 ACCOUNT 001-6150
AMOUNT \$ 300.00 (WCR)

RECEIVED FROM: Venable, Baetjer & Howard

FOR: SPECIAL EXCEPTION Item 393
8101 Rossville Boulevard Case #99-393-X
Drop-Off No Review

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
4/06/1999 4/06/1999 14:16:00

REG 0603 CASHIER PMS NEW DRAWER 3

5 MISCELLANEOUS CASH RECEIPT 067007 067007

Receipt # 067007

CR NO. 067007

Receipt Tot 300.00

300.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #39-393-X
8101 Rossville Boulevard
N/S Rossville Boulevard, 140
E. of centerline Rolling View
Avenue
14th Election District
6th Councilmanic District
Legal Owner(s): Hezel V.
Laudenkes Trust
Contract Purchaser: Shelter
Assisted Living LLC

Special Exception for an As-
sisted Living Facility
Hearing: Thursday, May 27,
1999 at 9:00 a.m. in Room
106, County Office Building,
111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

5/01/1 May 6 C395684

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/6/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/6/, 1999.

THE JEFFERSONIAN,

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE Case No 99-393-X

Petitioner/Developer SHELTER, ETAL

% ROBERT HOFFMAN, ESQ

Date of Hearing/Closing 5/27/99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

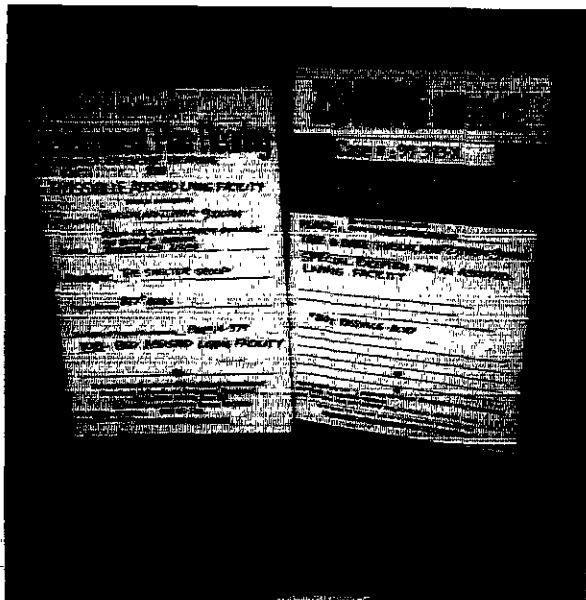
Attention Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #8101 ROSSVILLE BLVD.
ONSITE

The sign(s) were posted on 4/27/99
(Month, Day, Year)

4/27



Sincerely,

Patrick M. O'Keefe 5/8/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)

#8101 ROSSVILLE 99-393-X
BLVD.

SHELTER, ETAL 5/27/99

CERTIFICATE OF POSTING

RE: Case No.

Hearing Officer's Hearing
Zoning Case # 99-393-X

Petitioner/Developer

The Shelter Group

Date of Hearing/Closing

May 27, 1999
9:00 a.m.

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

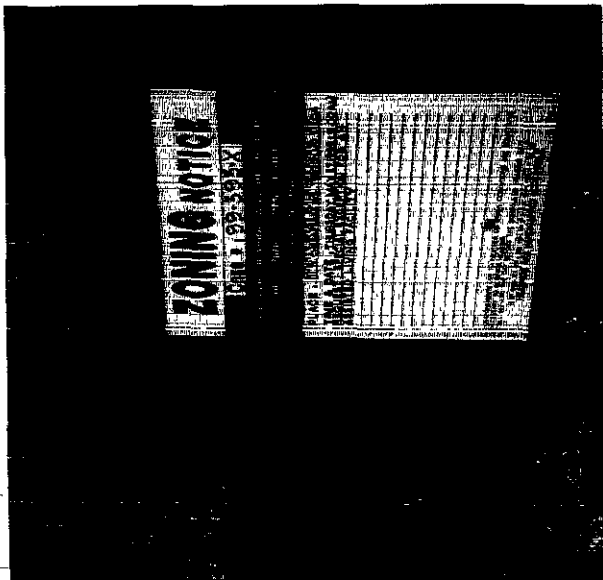
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

North side of Rossville Boulevard South of Putty Hill Avenue

The signs were posted on Monday, April 26, 1999
(Month, Day, Year)



Sincerely,

Don Hawk

(Signature of Sign Poster and Date)

Don Hawk, DMW, Inc.

(Printed Name)

200 East Pennsylvania Avenue

Towson, MD 21286

(Address)

410-296-3333

(Telephone Number)

RE: PETITION FOR SPECIAL EXCEPTION
8101 Rossville Boulevard, N/S Rossville Blvd.,
140' E of c/1 Rolling View Ave, 14th Election
District, 6th Councilmanic

Legal Owners: Hazel V. Laudenklos Trust
Contract Purchaser: Shelter Assisted Living LLC

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-393-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April, 1999, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 15, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

HEARING OFFICERS HEARING

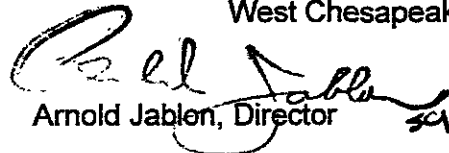
Project Name: Rossville Assisted Living Facility
Project Number: 14-379
Location: N/S Rossville Boulevard, E of Rolling View Road
Acres: 8.17
Developer: The Shelter Group
Engineer: Daft, McCune, Walker, Inc.
Proposal: 108 Bed Assisted Living Facility

*****AND*****

CASE NUMBER: 99-393-X
8101 Rossville Boulevard
N/S Rossville Boulevard, 140' E of centerline Rolling View Avenue
14th Election District – 6th Councilmanic District
Legal Owner: Hazel V. Laudenklos Trust
Contract Purchaser: Shelter Assisted Living LLC

Special Exception for an Assisted Living Facility.

HEARING: Thursday, May 27, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue


Arnold Jablen, Director

c: Robert A. Hoffman, Esquire
Hazel V. Laudenklos Trust
Shelter Assisted Living LLC

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 12, 1999.**
(2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
(3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
May 6, 1999 Issue – Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-393-X

8101 Rossville Boulevard

N/S Rossville Boulevard, 140' E of centerline Rolling View Avenue

14th Election District – 6th Councilmanic District

Legal Owner: Hazel V. Laudenklos Trust

Contract Purchaser: Shelter Assisted Living LLC

Special Exception for an Assisted Living Facility.

HEARING: Thursday, May 27, 1999 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 2, 1999

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Drop-Off Petitions, Case No. 99-391-SPHA (Garrison Forest Plaza) & Case No. 99-393-X (8101 Rossville Boulevard)

At the request of the attorney/petitioner, the above referenced petitions were accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearings).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the above, please do not hesitate to contact Sophia Jennings at or myself 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-393-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL EXCEPTION FOR AN
ASSISTED LIVING FACILITY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 20, 1999

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21294

RE: Case No.: 99-393-X
Petitioner: Shelter Assited Living
Location: 8101 Rossville Boulevard


Dear Mr. Hoffman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 2, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us




BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: April 22, 1999

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for April 19, 1999
Item Nos. 380, 383, 385, 387, 389,
390, 391, 392, and 393

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC0419.NOC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 4/19/99

FROM: R. Bruce Seeley, Project Manager
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 4/12/99

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Add. Item Items

Item #'s:

380

393



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

April 19, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: DAVID R. PEACOCK AND
CHARLOTTE I. SCOTT - 386
PHOEBE M. DEVOE AND WILLIAM F. AND
NANCY F. DEVOE - 389
DONNA C. KRAUSE - 392
HAZEL V. LAUDENKLOS, TRUST - 393

Location: DISTRIBUTION MEETING OF APRIL 12, 1999

Item No.: 386, 389, 392, 393 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 387-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 4.16.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 393 WCR

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

per Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com



OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
410-494-6262

March 25, 1999

HAND DELIVERED

Mr. W. Carl Richards
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Petition for Special Exception
Petitioner: Shelter Development
Location: 8101 Rossville Boulevard

Dear Mr. Richards:

With this letter, I am enclosing a filing package for a Petition for Special Exception for the above-referenced property. This filing package has been previously reviewed by John Lewis of your office, and the requested changes have been made. This property is not in violation of any zoning laws.

I have enclosed in this package the first and last page of a Trust Agreement for Hazel V. Laudenklos reflecting that she and her daughter, Joan A. Walton, are authorized to serve as Trustees for the Trust of Hazel V. Laudenklos, the owner of the referenced property, and to sign the petition on its behalf.

I have also enclosed with this letter the following documents:

1. Petition for Special Exception (3)
2. Zoning Description (3)
3. Site Plan (12)
4. 200' Scale Zoning Map (12) - one attached to each site plan
5. Newspaper advertising form (1)
6. Check in the amount of \$300.00

99.393-X

Mr. W. Carl Richards
March 25, 1999
Page 2

If you have any questions or concerns regarding this filing, please give me a call.

Very truly yours,

A handwritten signature in black ink, appearing to read 'RH', with a long, sweeping horizontal line extending to the right.

Robert A. Hoffman

RAH/pam
Enclosures
TO1DOCS1/Baw01/#80778 v1



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

April 29, 1999

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Dear Mr. Hoffman:

RE: Drop-Off Revision Review (Case #99-393-X), 8101 Rossville Boulevard

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Lewis".

John L. Lewis
Planner II
Zoning Review

JLL:cjs

Enclosure (receipt)

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

CITIZEN

PLEASE PRINT CLEARLY

~~RESIDENT~~ SIGN-IN SHEET

NAME

ADDRESS

G.A. Dohmeier

3400 Hiss Avenue, Balto, Md 21234

* ✓ Jeanne Smith

13 Grandee Ct Balto, MD

Chris Goodwin

1 Bridgeview Ct Balto MD 21236

* Henry Ryszewski

3917 Pitts River Hill Ave.

Send Copy { John H. Bahr

4101 MARTIN AVE 21236

Therly M. Bahr

" "

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

ADDRESS

~~Robert W. Bowling~~

Robert W. Bowling

Terri Tabo

JOHN LEWIS

Lynn Lanham

Permits & Dev Management

DEPRM

Zoning Rvw. 3391

Planning 3480

PLEASE PRINT CLEARLY

PETITIONERS'

~~PROTESTERS~~ SIGN-IN SHEET

NAME

ADDRESS

- Ed Haik

DMW

Chas. Main

"

Geo. Gavrellis

"

MICKEY CORNELIUS

THE TRAFFIC GROUP

JOHN TANSKY

SHUTTER GROUP - Suite 220

218 N. Charles Street

PHIL GOLDEN

"

" Bldg, MO 21201

KERRY COOK

"

"

- Rob Hoffman

210 Allegheny Ave 21204

REQUEST FOR HOH

PROJECT MANAGER: DONALD RASCOE

NAME: ROSSVILLE ASSISTED LIVING FACILITY

NUMBER: 14-379

LOCATION: N/S ROSSVILLE BLVD. E OF ROLLING VIEW RD.

ACRES: 8.17

DEVELOPER: THE SHELTER GROUP

ENGINEER: DAFT, MCCUNE, WALKER, INC.

PROPOSAL: 108 BED ASSISTED LIVING FACILITY

REVIEWER: JLL

DOES THIS NEED A SPECIAL EXCEPTION OR A VARIANCE

YES ☒ NO ☐
99-393-X

ITEM NUMBER AND/OR DROP-OFF DATE _____ FOR VARIANCE, ET AL.

ESTIMATED LENGTH OF HEARING: 1 Day

ATTORNEY: Rob Hoffman

OPPOSING ATTORNEY: _____

DATE (S) NOT TO SET: April 21-22

1 HOURS 5/27
9 AM
RM 106



Daft-McCune-Walker, Inc.

200 East Pennsylvania Avenue
Touson, Maryland 21286
410-296-3333
Fax 410-296-4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

To: PDMDate: 4/27/99Job No.: 98098AAttention: Joyce WatsonReference: Rossville Asst. Living Facility

We are sending you
☐ Shop drawings
☐ Specifications

☐ attached
☐ Samples

☐ under separate cover:
☐ Plans

☒ via Hand Del.

Copies	Date	Number	Description
		1	Sign posting certificate
		1	Picture

These are transmitted as checked below:

☐ For approval☐ Approved as submitted☐ Resubmit☐ _____ copies for approval☐ For your use☐ Approved as noted☐ Submit☐ _____ copies for distribution☐ As requested☐ Returned for corrections☐ Return☐ _____ corrected prints☐ For review and comment☐ _____

Remarks

HOT + zoning hearing

cc

River Stephens w/picture
Charles Mann
Ed Haile

Signed

Linda Jones

AMENDMENT AND RESTATEMENT OF
THE HAZEL V. LAUDENKLOS
TRUST AGREEMENT

THIS AMENDMENT AND RESTATEMENT OF THE HAZEL V. LAUDENKLOS TRUST AGREEMENT (the "Amendment and Restatement of Trust"), made by HAZEL V. LAUDENKLOS, of Baltimore County, State of Maryland (hereinafter referred to as the "GRANTOR").

W I T N E S S E T H:

WHEREAS, by THE HAZEL V. LAUDENKLOS TRUST AGREEMENT (hereinafter referred to as the "Trust Agreement"), dated December 22, 1992, GRANTOR established a revocable trust (hereinafter referred to as the "Trust") as the "GRANTOR" therein; and

WHEREAS, pursuant to the provisions of ARTICLE FOURTH of said Trust Agreement, the GRANTOR reserved unto herself the right to amend said Trust by written notification thereof from the GRANTOR delivered to any of the TRUSTEES; and

WHEREAS, GRANTOR now desires to amend said Trust Agreement, as hereinafter set forth.

NOW, THEREFORE, WITNESSETH, that the Trust Agreement is hereby amended, modified and restated so that all of the terms and conditions thereof set forth therein are hereby deleted and replaced by the following:

ARTICLE FIRST: INITIAL TRUSTEES. The GRANTOR and GRANTOR'S daughter, JOAN A. WALTON, shall serve hereunder, jointly or individually, as TRUSTEES (each of them being hereinafter referred to individually as the "TRUSTEE" and referred to together with the SUCCESSOR TRUSTEES named or designated as herein provided herein, at such time as they shall be serving as TRUSTEES hereunder, as the "TRUSTEES").

ARTICLE SECOND: FUNDING BY GRANTOR. The GRANTOR or any other person may, at any time and from time to time, transfer to the TRUSTEES, property of any nature, description or kind, real or personal, wherever situated. Such property shall be described in a written instrument of conveyance, transfer or assignment or in a separate receipt issued by the TRUSTEES, or in such other manner as the TRUSTEES may deem to be reasonable, and shall thereafter be held by the TRUSTEES for the uses and purposes hereinafter set forth.

ARTICLE THIRD: DISPOSITION OF INCOME AND PRINCIPAL DURING GRANTOR'S LIFETIME. During the lifetime of the GRANTOR, the property constituting this Trust shall be disposed of by the TRUSTEES in accordance with the following provisions.

49.393-X

set forth, herein. Commencing with the death of the GRANTOR, this Amendment and Restatement of Trust shall not be amendable, modifiable, alterable or revocable by any person except as provided to the contrary herein, and may be terminated only in accordance with its terms.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand and affixed her seal as GRANTOR and TRUSTEE on this 19 day of February, 1998.

WITNESS:

Anna Leckler

Hazel V. Laudenklos (SEAL)
HAZEL V. LAUDENKLOS, Grantor
and Trustee

STATE OF MARYLAND, COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 19 day of February, 1998, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared HAZEL V. LAUDENKLOS, the Grantor and Trustee in the foregoing instrument, and she acknowledged the same to be her free act and deed.

WITNESS my hand and Notarial Seal.

Donna K. Balanesi
Notary Public

My commission expires: 5/1/00

Donna K. Balanesi, Notary Public
My Commission Expires May 1, 2000

Pet Ex 2

Rossville Assisted Living Facility Special Exception Petition

**Testimony Outline - George E. Gavrelis
DMW Project No. 98089A**

Project Data

- | | |
|------------------------|--|
| • Existing Zoning | DR-5.5 |
| • Gross Area | 8.17 Acres |
| • Proposed Development | 107 Assisted Living Beds (ALF) |
| • Max. Density | 45 Dwelling Units (DU) |
| • Density Factor | 1 ALF Bed = 0.25 DU |
| • Attained Density | $107 \times 0.25 = 26.75 \text{ DU} / 8.17 \text{ Acres}$
$= 3.27 \text{ DU} / \text{Acre}$ |
| • Open Space Required | 0.40 Acres |
| • Open Space Provided | 0.40 Acres |
| • Parking Required | 36 Spaces (1/3 Beds) |
| • Parking Provided | 42 Spaces |
| • ADT | 95 Trips (3.5 / DU) |

Special Exception Proofs

BCZR 502.1 - Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved:

- The Rossville Assisted Living Facility will provide 107 rooms or beds focused primarily on serving persons who need help in getting through the day. As Baltimore County's population continues to age, the need to expand assisted living facilities serving seniors who need help also expands.
- The proposed Rossville Assisted Living Facility promotes the public health, safety and welfare of the locality by helping to meet the ever growing needs of seniors, especially those who need special help at a place which is dignified, compassionate and at a location which is close to family, friends and roots.
- The hearing on the Rossville Assisted Living Facility development plan clearly demonstrates that its planning has been very sensitive and

responsive to the desires of the community and of the County regarding preservation of views, location and elevation of the building, careful site grading, careful site landscaping and integration of open space. The development will blend successfully and sensitively with its neighbors.

- Proposed development will have no detrimental impact on the locality. To the contrary, the excellence of the development proposal leads me to the opinion that the Rossville Assisted Living Facility will have a beneficial impact on the locality.

B. Tend to create congestion in roads, streets or alleys therein:

- Testimony by traffic engineer, County traffic comments?
- Elderly housing and assisted living facilities generate substantially less traffic than does conventional housing. The assisted living facility produces only 0.875 trips of all kinds per day per bed and 3.5 trips per day for its equivalent dwelling unit. This contrasts with 10 trips per day for the typical single family residence in a DR-5.5 Zone
- The Rossville Assisted Living Facility is being developed at a density substantially below that permitted for conventional dwellings in a DR-5.5 Zone. A maximum of 45 equivalent dwelling units would be permitted; only 27 equivalent dwelling units are being proposed. That's only 60% of the permitted density!
- Access to the assisted living facility is limited exclusively to Rossville Boulevard. No local residential street is impacted by access to this facility.
- From my planning perspective, the Rossville ALF will not create congestion.

C. Create a potential hazard from fire, panic or other danger:

- The Rossville Assisted Living Facility will be designed, built, maintained and operated in complete and continual compliance with all applicable life-safety, building, electrical, plumbing codes, regulations and standards governing both housing and assisted living facilities.
- From my planning perspective, it will not create a potential hazard from fire, panic or other dangers.

D. Tend to overcrowd land and cause undue concentration of population:

- As was stated earlier, the proposed Rossville Assisted Living Facility is to be developed substantially below the maximum permitted density in a DR-5.5 Zone. The 107 beds are the density equivalent of 28 dwelling

units. That's 18 dwelling units below the maximum permitted number of dwelling and but 60% of the development intensity allowed.

- The assisted living facility is to be placed in a three- story building. This minimizes the floor plate of the building and ground coverage.
- Parking demand is also relatively low for assisted living facilities thereby minimizing the ground area required to accommodate off street parking.
- The Rossville Assisted living Facility will not overcrowd land and cause undue concentration of population.

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements:

- The proposed assisted living facility generates no students and has no impact on school capacity or usage.
- Open space planned within this development enhances and fleshes-out the open space pattern of the immediate neighborhood.
- The site is served by existing public water mains and sewerage lines. Pressure and capacity of these lines or mains is adequate.
- Site access is by means of Rossville Boulevard, a recently completed highway long envisioned by and in comprehensive transportation plans.
- There is no interference with any public requirements, conveniences or improvements.

F. Interfere with adequate light and air:

- The assisted living facility complies with all BCZR setback requirements and CMDP standards.
- Sensitive site planning nestles the proposed building at a grade lower than that of immediately adjoining dwellings. Building height is limited. This results in preservation of views, vistas and "air space".
- There is no interference with light and air.

G. Be inconsistent with the purpose of the DR-5.5 zoning classification nor in any way inconsistent with the spirit and intent of these Zoning Regulations:

- An assisted living facility is a use permitted by special exception in the DR-5.5 Zone. As such, the Rossville Assisted Living Facility is permitted after review if it results in no adverse impact and if it meets the proofs required by BCZR Section 502.1. Manifestly, I believe that this development complies eminently with these standards.

- The purpose of Density Residential Zones is to foster a greater variety of housing types; allow more feasible preservation of natural features; allow greater flexibility in site planning; provide a means of satisfying differing housing market requirements...in a manner more nearly in accord with comprehensive plans and goals and to provide greater certainty about....dwelling densities within existing communities with the goal of conserving and maintaining the areas. The Rossville Assisted Living Facility does exactly that!
- The essence of the spirit and intent of BCZR is to promote and protect the health, security, comfort, convenience, prosperity, orderly development and other aspects of the general welfare of the community. Again, the Rossville Assisted Living Facility is in accord with the spirit and intent of the regulations.

Scultz v. Pritts

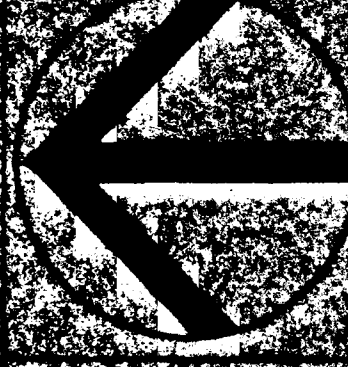
Are there facts and circumstances that show that the Rossville Assisted Living facility at this location would have adverse effects *above and beyond those inherently associated with such a special exception use irrespective of its location in a DR-5.5 Zone* ?

- Any potential, conceivable adverse effect of the Rossville Assisted Living Facility would be no worse here at this site than would be the case if it were to be located elsewhere in DR-5.5 Zone. In fact, its unique site, careful site and building planning, preservation of views, integration of open space patterns and sensitive site landscaping leads me to the conclusion that any potential adverse impact is less here than would be the case if it were located elsewhere.

George E. Gavrelis
DMW
May 21, 1999
Last revised: 5/24/1999

DMW

POSSIBLE / ASSUMED
LAYING OUT



DATE
SHEET
NO.

SCALE
1" = 100'
DATE
JANUARY 1960

LOCATION
FULLERTON
PARKVILLE

BAITIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

DATE
SHEET
NO.

DATE
SHEET
NO.

DATE
SHEET
NO.